

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE ALCON SHAREHOLDER
LITIGATION

SDNY
DOCUMENT
FILED
6-1-10
Consolidated Case No. 10 CV 139

ECF CASE

**CONSENT OF NOVARTIS AG AND DR. DANIEL VASELLA TO SWISS
JURISDICTION**

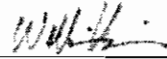
WHEREAS on May 24, 2010, the Court granted the Motion to Dismiss of Novartis AG in the above-captioned action, subject to defendants' submission within seven (7) days from the date of the Order of a statement expressing their consent to certain conditions;

NOVARTIS AG and DR. DANIEL VASELLA hereby agree that, in the event Plaintiffs in this action commence litigation in Switzerland arising out of the circumstances and general claims asserted in the above captioned case, Novartis AG and Dr. Daniel Vasella will:

1. Accept service of process and the relevant tribunal's exercise of personal jurisdiction over each of them;
2. Not assert any defenses based on statutes of limitations that would not be available to Novartis AG or Dr. Vasella, respectively, were the litigation of the above-captioned action to proceed in this Court; and
3. Satisfy any final judgment, after resolution of all appeals, rendered by a Swiss court in connection with litigation of claims arising out of the events described in the Consolidated Complaint in the above-captioned action.

Dated: June 1, 2010

Respectfully submitted,
WACHTEL, LIPTON, ROSEN & KATZ



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